

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

TERRY PENTON,  
49 Laffin Lane  
Poughkeepsie, NY 12603

Plaintiff,

-against-

OS RESTAURANT SERVICES, INC.  
2202 N. West Shore Blvd., Ste. 500  
Tampa, FL 33607

Defendant.

07 - CV - 8596 (SCR)

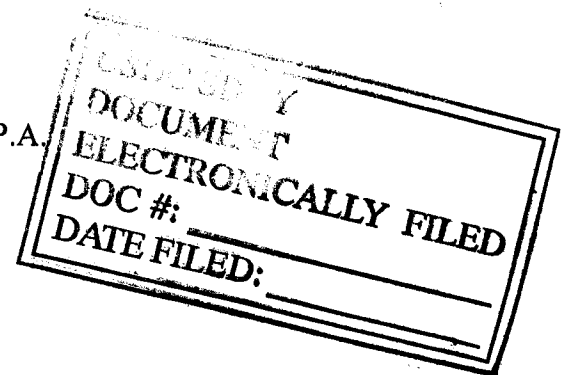
**MOTION TO ADMIT  
KEVIN D. JOHNSON  
PRO HAC VICE**

FILED  
U.S. DISTRICT COURT  
2008 JAN - 2 A 11:03  
S.D. OF N.Y. W.P.

Fee paid  
\$ 25<sup>00</sup>  
E 633742

PURSUANT TO RULE 1.3(c) of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York and upon the annexed affirmation of Alice B. Stock, I, Alice B. Stock, Esq., a member of the law firm Lowenstein Sandler PC and a member in good standing of the Bar of this Court, hereby moves for an Order allowing the admission *pro hac vice* of

KEVIN D. JOHNSON  
Florida Bar No.: 0013749  
Law Offices Thompson, Sizemore & Gonzalez, P.A.  
One Tampa City Center  
201 N. Franklin Street, Suite 1600  
Post Office Box 639  
Tampa, Florida 33601  
Tel.: 813-273-0050  
Fax: 813-273-0072  
Email: kjohnson@tsg-law.com



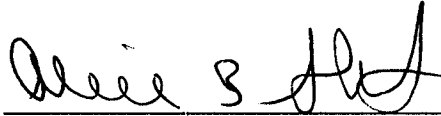
Kevin D. Johnson, Esq., is a member in good standing of the Bar of the State of Florida, admitted September 26, 1994; the United States District Court for the Middle District of Florida, admitted January 26, 1995; U.S. District Court for the Northern District of Florida,

admitted December 19, 1997; and the U.S. District Court for Southern District of Florida, admitted December 19, 1997. There are no pending disciplinary proceedings against Kevin D. Johnson in any State or federal court. Copies of Kevin D. Johnson's certificate of good standing from The Florida Bar and the United States District Court for the Middle District of Florida are annexed hereto.

Dated: December 28, 2007  
New York, New York

Respectfully submitted,

LOWENSTEIN SANDLER PC

A handwritten signature in black ink, appearing to read "Alice B. Stock", written over a horizontal line.

Alice B. Stock (AS-6935)  
Attorneys for Defendant  
OS Restaurant Services, Inc.  
1251 Avenue of the Americas  
New York, New York 10020  
Tel.: 646-414-6886  
Fax: 973-422-6891  
astock@lowenstein.com



# The Florida Bar

JOHN F. HARKNESS, JR.  
EXECUTIVE DIRECTOR

651 EAST JEFFERSON STREET  
TALLAHASSEE, FLORIDA 32399-2300

850/561-5600  
WWW.FLORIDABAR.ORG

State of Florida )

County of Leon )

In Re: 13749  
Kevin David Johnson  
Thompson, Sizemore & Gonzalez, P.A.  
201 N. Franklin St., Ste. 1600  
Tampa, FL

I HEREBY CERTIFY that I am the duly appointed custodian of membership records of The Florida Bar.

I FURTHER CERTIFY that the records in the office of the Clerk of the Supreme Court of Florida indicate that said attorney was admitted to practice law in the State of Florida on September 26, 1994.

I FURTHER CERTIFY that the records in the office of The Florida Bar indicate that the above attorney is a member of The Florida Bar in good standing.

Dated this 20th day of December, 2007.

Willie Mae Shepherd  
Supervisor, Membership Records  
The Florida Bar

WMS/lvth60c:R10

AO 136 (Rev. 11/99) Certificate of Good Standing

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*United States District Court*

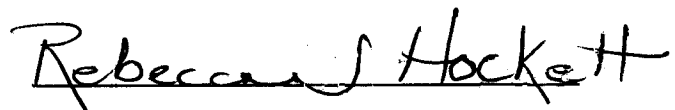
Middle District of Florida

**CERTIFICATE OF  
GOOD STANDING**

I, SHERYL L. LOESCH, Clerk of this Court, certify that  
KEVIN D. JOHNSON, Bar No. #0013749, was duly admitted  
to practice in this court on January 26, 1995, and is in good  
standing as a member of the Bar of this Court.

Dated at Tampa, Florida on December 17, 2007

SHERYL L. LOESCH, CLERK

  
Deputy Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
TERRY PENTON,  
49 Laffin Lane  
Poughkeepsie, NY 12603

Plaintiff,

-against-

OS RESTAURANT SERVICES, INC.  
2202 N. West Shore Blvd., Ste. 500  
Tampa, FL 33607

Defendant.  
-----X

: 07 - CV - 8596 (SCR)  
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: **AFFIRMATION OF ALICE B.**  
: **STOCK, ESQ., IN SUPPORT OF**  
: **MOTION TO ADMIT**  
: **COUNSEL PRO HAC VICE**

I, ALICE B. STOCK, ESQ., of full age, do hereby declare:

1. I am a member of the Bar of this Court and the law firm of Lowenstein Sandler PC, the attorneys for Defendant OS Restaurant Services, Inc. ("OS Restaurant") in the above captioned action. I am familiar with the proceedings in this case. I make this affirmation based on my personal knowledge of the facts set forth herein and in support of OS Restaurant's motion to admit Kevin D. Johnson as counsel *pro hac vice* to represent OS Restaurant in this matter.

2. I am a member in good standing of the bar of the State of New York, admitted in March 1987. I am also a member in good standing of the bars of the United States Court of Appeals for the Second Circuit, admitted in April 1994 and the United States District Court for the Eastern District of New York, admitted in September 1987. I am also admitted to the bar of the United States District Court for the Southern District of New York, admitted in September 1987, and am in good standing with this Court.

3. I have known Kevin D. Johnson since November 2007.

4. Kevin D. Johnson is a partner in the Law Office of Thompson, Sizemore & Gonzalez, P.A., and practices law in Tampa, Florida.

5. I have found Kevin D. Johnson to be a skilled attorney and a person of integrity. He is experienced in practice before federal courts and is familiar with the Federal Rules of Civil Procedure.

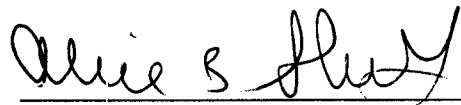
6. Accordingly, I am pleased to move for the admission of Kevin D. Johnson, *pro hac vice*.

7. I respectfully submit a proposed order granting the admission of Kevin D. Johnson, *pro hac vice*, which is attached hereto as Exhibit A.

WHEREFORE it is respectfully requested that the motion to admit Kevin D. Johnson, Esq., *pro hac vice*, to represent OS Restaurant in the above captioned action, be granted.

ALICE B. STOCK, ESQ., hereby declares under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the foregoing is true and correct.

Dated: December 28, 2007  
New York, New York

A handwritten signature in black ink, appearing to read "Alice B. Stock", written over a horizontal line.

Alice B. Stock  
(AS - 6935)



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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TERRY PENTON,  
49 Laffin Lane  
Poughkeepsie, NY 12603

Plaintiff,

-against-

OS RESTAURANT SERVICES, INC.  
2202 N. West Shore Blvd., Ste. 500  
Tampa, FL 33607

Defendant.  
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: 07 - CV - 8596 (SCR)  
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: **ORDER FOR ADMISSION**  
: **PRO HAC VICE OF**  
: **KEVIN D. JOHNSON ON**  
: **WRITTEN MOTION**  
:  
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Upon the motion of Alice B. Stock, Esq., a member of the law firm of Lowenstein Sandler PC, attorneys for Defendant OS Restaurant Services, Inc. ("OS Restaurant"), and the accompanying Affirmation of Alice B. Stock in Support of the Motion to Admit Kevin D. Johnson *Pro Hac Vice*;

**IT IS HEREBY ORDERED** that:

KEVIN D. JOHNSON  
Florida Bar No.: 0013749  
Law Offices Thompson, Sizemore & Gonzalez, P.A.  
One Tampa City Center  
201 N. Franklin Street, Suite 1600  
Post Office Box 639  
Tampa, Florida 33601  
Tel.: 813-273-0050  
Fax: 813-273-0072  
Email: kjohnson@tsg-law.com

is admitted to practice *pro hac vice* as counsel for OS Restaurant in the above captioned case in the United States District Court for the Southern District of New York. All attorneys appearing before this Court are subject to the Local Rules of this Court, including the Rules governing discipline of attorneys. If this action is assigned to the Electronic Case Filing (ECF) system,



counsel shall immediately apply for an ECF password at [nysd.uscourts.gov](http://nysd.uscourts.gov). Counsel shall forward the *pro hac vice* fee to the Clerk of the Court.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Hon. Stephen C. Robinson  
United States District Judge

ATTORNEY'S SERVICE AFFIRMATION

STATE OF NEW YORK     )  
                                      : ss.:  
COUNTY OF NEW YORK    )

STEPHANIE L. ARANYOS, the undersigned attorney at law admitted to practice in the courts of the State of New York, hereby affirms: that she is over 18 years of age; is not a party to this action; and is a member of the law firm of Lowenstein Sandler PC, 1251 Avenue of the Americas, New York, New York 10020.

That on December 28, 2007 she caused to be served the attached

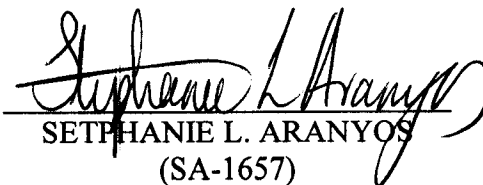
MOTION TO ADMIT  
KEVIN D. JOHNSON PRO HAC VICE AND  
AFFIRMATION OF ALICE B. STOCK, ESQ. IN SUPPORT

upon the following attorneys at the address below designated by them for that purpose:

Adam C. Virant, Esq.  
Karpf, Karpf & Virant  
Attorney for Plaintiff  
140 Broadway, 46th Floor  
New York, New York 10005

Said service was made by depositing a true copy of the attached papers enclosed in a first-class postpaid sealed wrapper, properly addressed to the above-named attorneys, in an official depository under the exclusive care and custody of the United States Postal Service within the State of New York.

STEPHANIE L. ARANYOS declares under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the foregoing is true and correct. Executed on December 28, 2007.

  
STEPHANIE L. ARANYOS  
(SA-1657)